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May 30, 2008

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: WELCH, JAMES D. Titled: "METHOD OF
PROVIDING AUDIO FORMAT PROFESSIONAL INFORMATION UPDATE SERVICE
FOR PAYMENT VIA INTERNET";

Serial No.: 10/796,162

Art Unit: 3625

Filed: 03/09/2004

Examiner: Pond, R.

APPELLANT'S BRIEF ON APPEAL

Dear Sir;

This is an appeal from the Final office Action dated
04/02/2008, finally rejecting claims 1-27.

Please find accompanying paperwork providing:

- A) This Identification Cover Page;
- B) A Table of Contents;
- C) Real Party in Interest;
- D) Related Appeals and Interferences;
- E) Status of Claims;
- F) Status of Amendments

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- G) Summary of Claimed Subject Matter;
- H) Grounds of Rejection;
- I) Argument Pages;
- J) Claims Appendix;
- K) Evidence Appendix;
- L) Related Proceedings.

Also enclosed please find a check for \$255.00.

SINCERELY;

JAMES D. WELCH

JW/hs

enc.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.


JAMES D. WELCH

5/28/08
DATE

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REAL PARTY IN INTEREST

The real party is JAMES D. WELCH.

RELATED APPEALS AND INTERFERENCES

Applicant is unaware of any related appeals or interferences.

STATUS OF CLAIMS

The status of the Claims is as follows:

Claims allowed: none

Claims object to: none

STATUS OF AMENDMENTS

There have been no amendments after the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention is directed to a method of providing audio format periodically updated professional continuing education to clients for payment, to keep clients aware and informed of developments in at least one topical category.

GROUND OF REJECTION

As presented in a Final Action dated 04/02/2008:

I. Whether the Patent Office properly rejected Claims 1, 6, 7, 9-12, 14, 19 and 21-27 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods cited in PTO-892, items U pages 1-3 and V pages 1-11 in view of BW (PTO-892, Item X, pages 1-2) further in view of Lawcast (Paper #20070102, PTO-892, Item: V, pages 1-2)).

II. Whether the Patent Office properly rejected Claims 2-5 and 13 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods cited in PTO-892, items U pages 1-3 and V pages 1-11), BW (PTO-892, Item X) and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claims 1 and 12, further in view of Boyers (PTO 892, Item VW).

III. Whether the Patent Office properly rejected Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods cited in PTO-892, items U pages 1-3 and V pages 1-11), BW (PTO-892, Item X, pages 1-2), and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claim 1, further in view of Rosenblum (PTO-892, Item WV).

IV. Whether the Patent Office properly rejected Claim 15-18 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods contained in PTO-892, items U pages 1-3 and V pages 1-11), BW

(PTO-892, Item X, pages 1-2), and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claims 1 and 12, further in view of Rosenblum (PTO-892, Item WV), further in view of Katz (US 5,926,624 assigned to Audible, Inc.)

V. Whether the Patent Office properly rejected Claim 20 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods contained in PTO-892, items U pages 1-3 and V pages 1-11), BW (PTO-892, Item X), and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claim 19, further in view of Sabludowsky (PTO-892, Item UU).

GROUPING OF CLAIMS AND ARGUMENT

The Claims do not all stand and fall together.

The Claims are grouped as follows:

Group I: Claims 1 - 18 and 21-26

Group II: Claims 19, 20, and 27.

Although not distinguished by the Examiner, it is believed that the greater detail and specific limitations of the Group II Claims distinguish them over the Group I Claims.

ARGUMENT

Claim Rejections- 35 U.S.C. 103.

A prima facie case of obviousness requires three elements:

Some suggestion of motivation in the references to modify the reference of combine teachings;

Reasonable expectation of success;

The prior art reference of properly combined references teach or suggest the claim limitations.

This is not overruled by the recent KSR case. The mere fact that prior art can be modified in a manner suggested by the PTO does not make the modification obvious unless the prior art suggests the modification---it is impermissible to use the prior art as an

instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. The use of hindsight is not permitted to guide the picking and choosing from isolated disclosures to arrive at a new invention. The teachings or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP Section 2142.

Before proceeding, it is noted that the Examiner, in pre-final Actions, withdrew rejections based primarily on Allison 6,546,630, and based primarily on Darago et al. 6,170,014 in view of arguments by Applicant, holding said arguments were persuasive. The Examiner then cited non-Patent Audible.com materials to form a rejection, and in a final Action, the Examiner continued a rejection based primarily on Audible.com materials while reminding the Applicant of his right to Appeal twice rejected Claims.

IN GENERAL

The argument in this Appeal is very simple. Regardless of whether the Examiner's arguments were primarily based on Allison, (which were overcome and withdrawn), or primarily on Darago et al., (which were overcome and withdrawn), or primarily on the non-Patent Audible.com materials, (which remains the Examiner's basis for rejection at this time), it is not at all clear how the Examiner's arguments show obviousness. None of the cited references are sufficient to guide one skilled in the art to arrive at the Present Claims, WHEN THE PRESENT CLAIMS ARE EACH, PROPERLY, CONSIDERED IN WHOLE. The Examiner has simply copied the Present Claims and then sought out elements from a lot of various references which have somehow relevant elements therein,

and applied said references to one or another parts of the Present Claims without explanation as to how prior art directed that application. There is nothing in any reference identified by the Examiner that directs how to arrive at the sequence of steps in the Presently Pending Claims then pick and choose elements from the references used, and combine needed elements to arrive at the Present Claims, while rejecting other elements which are present in said prior art references! The Examiner has, without any doubt, used the Present Application as a Teaching Reference in order to arrive at the sequence of steps in the Presently Pending Claims. There is no other way to explain what the Examiner has done.

ISSUE I

Whether the Patent Office properly rejected Claims 1, 6, 7, 9-12, 14, 19 and 21-27 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods cited in PTO-892, items U pages 1-3 and V pages 1-11 in view of BW (PTO-892, Item X, pages 1-2) further in view of Lawcast (Paper #20070102, PTO-892, Item: V, pages 1-2).

To begin, it is noted that prior rejections based on Patent art, (eg. Allison 6,546,630, and on Darago et al. 6,170,014), were overcome and withdrawn by the Examiner. Continuing, it is emphasized that the Applicant's position herein is very straight forward. It is analogous to arguing that a reference that describes motors, gears, nuts and bolts etc., absolutely does not

obviate every invention that is comprised of them. Bluntly, the Audible.com materials disclose lots of "motors, gears, nuts and bolts", but provide absolutely no insight as to how they should be combined to arrive at an invention which is analogically related to the Present Invention. Nothing in the Audible.com materials remotely suggest the Required SEQUENCE OF STEPS, (omission of any thereof providing a way out of their infringement), in the Present Application Independent Claims, or remotely suggest that one skilled in the art should seek out the other references the Examiner cites in formulating a Section 103 rejection. Specifically, examining the Lawcast.com materials one finds disclosure of the practice of providing Audio format over the Internet. Examples in the "U" materials recite provision of Audiobooks, Newspapers, Magazines, Journals, Dow Jones Information, Radio Broadcasts, and Car Talk, Fresh Air, and Science Friday. Mention is made of targeting Financial, Technology and Pharmaceutical Companies and of sending emails to subscribers announcing new programs in their area. On page 3 of the materials mention of the availability of an Audible Player which can be purchased over the Internet. Examining the Lawcast "v" materials one additionally finds mention of Lectures by Professors, Business People, Religious people and Interviews with Authors and the like. Pages 3 and 4 mention access to archival audio and hard to find stuff. Page 4 recites that the Audible programs are convenient, less expensive to access than recorded tapes and CD's, and that there are no commercials. Page 6 recites downloading Audio programs and playing them back on a PC or via the Audio Player. Page 7 describes the Audio Player. Page 8 makes a marketing appeal. Pages 9-11 list available downloads. Page 11 mentions the information can be "up-to-date". Page 12 gives a summary of the Audible approach.

With the foregoing Audible.com disclosure of "motors, gears,

nuts and bolts" in mind, please consider Claims 1 and 19 are repeated below:

1. (currently amended): A method of providing audio format periodically updated professional continuing education to clients for payment, to keep clients aware and informed of developments in at least one topical category, comprising the steps of:

a. an information provider ~~providing an~~ enabling internet web site accessibility;

b. said information provider producing and making periodically updated audio format professional continuing education information available from audio information format machine readable storage via said web site in topical categories, and at least impliedly agreeing to provide a service of periodically updating the content thereof a continuing multiplicity of times, wherein the content of each update is primarily focused on developments since the preceeding update, rather than on overcoming identified deficiency or establishing basic education;

c. making access to said audio format professional continuing education information available, via said web site to clients by a selection from the group consisting of:

periodic subscription; and

direct pay per access event;

d. said information provider allowing at least one client to receive said audio format professional continuing

education information via said web site by, using an internet accessing means, accessing said web site, and providing payment via a selection from the group consisting of:

proof of paid subscription; and

presenting payment means;

and identifying a professional continuing education information topical category of interest,

followed by said at least one paying client accessing, without requirement of intermediate steps, receiving audio format professional continuing education information in said topical category of interest;

said method further comprising:

e. said information provider updating the audio format professional continuing education information in the at least one client identified topical category of interest in step d, and said at least one paying client in step d repeating step d after said audio format professional continuing education information is updated, and receiving the updated audio format professional continuing education information in said identified topical category of interest;

said method being further characterized in that the information in said client identified and received audio format professional continuing education is prepared to keep said client aware and informed of developments in the topical category and thereby maintain professional currency therein, to the exclusion of being prepared to train said client to

overcome a specific documented professional competency deficiency or to provide basic education.

19. (currently amended): A method of providing audio format periodically updated professional continuing education to clients for payment, to keep clients aware and informed of developments in at least one topical category while allowing said clients to, optionally, tend to other tasks not requiring of listening, comprising the steps of:

a. an information provider ~~providing-an~~ enabling internet web site accessibility;

b. said information provider producing and making periodically updated audio format professional continuing education information available from audio information format machine readable storage via said web site in topical categories, and at least impliedly agreeing to provide a service of periodically updating the content thereof a continuing multiplicity of times, wherein the content of each update is primarily focused on developments since the preceeding update, rather than on overcoming identified deficiency or establishing basic education;

said audio format professional continuing education information being made available in topical categories selected from the group consisting of:

law related areas of:

patent, trademark, copyright, trade secret, computer, internet, unfair competition, high-tech, contract, tort, property, wills & trusts, criminal, evidence,

constitutional, corporate, taxation, estate planning, securities, banking, bankruptcy, accounting, trade regulation, commodities, insurance, energy, environment and water, aviation, automobile, labor, social security, family, divorce, juvenile, workman's compensation, personal injury, product liability, employment practices, administrative, educational, mass communications, medical, farm, and military;

science, medical and technology related areas of:

astronomy, architecture, mathematics/statistics, physics, chemistry, engineering (electrical/electronic, nuclear, mechanical, civil, chemical, biological, genomic, construction, transportation, industrial, manufacturing, agricultural, computer, energy, environmental), horticulture/forestry, geology, food science, nutrition, psychology, zoology, veterinary, medicine (anatomy, physiology, bio-chemistry, cardiology, renal, gastro-intestinal, pulmonary, pathology, microbiology), pharmacy, nursing, Scientology/Dianetics; and

specific approach to practice tips;

said audio format professional continuing education information being tagged with an identifying date and/or topic;

c. making access to said audio format professional continuing education information available, via said web site to clients by a selection from the group consisting of:

periodic subscription; and

direct pay per access event;

d. said information provider allowing at least one client to receive said audio format professional continuing education information via said web site by, using an internet accessing means, accessing said web site, and providing payment via a selection from the group consisting of:

proof of paid subscription; and

presenting payment means;

and identifying a professional continuing education information topical category of interest,

followed by said at least one paying client accessing, without requirement of intermediate steps, and receiving audio format professional continuing education information in said topical category while optionally tending to other tasks not requiring of listening;

e. said information provider updating the audio format professional continuing education information in the at least one client identified topical category of interest in step d, and said at least one paying client in step d repeating step d after said audio format professional continuing education information is updated, and receiving the updated audio format professional continuing education information in said identified topical category of interest;

f. said client, after step e, again accessing the audio format professional continuing education information

originally provided in a practice of step d before the information is updated and accessed in step e, by again practicing step d with the addition that the identifying date with which said updated audio format professional continuing education information was tagged is entered along with the identifying of a professional continuing education information topical category of interest;

said method being further characterized in that the information in said client identified and received audio format professional continuing education is prepared to keep said client aware and informed of developments in the topical category and thereby maintain professional currency therein, to the exclusion of being prepared to train said client to overcome a specific documented professional competency deficiency or establishing basic education.

Specifically note that NOTHING in the Audible.com materials remotely suggests, let alone REQUIRES a provider of Audio over the Internet produce audio programming in a category and that a paying client access it, followed by the provider updating the programming in said category and said paying client accessing the updated programming. This is especially true as regards Claim 19 which further requires a paying client access not only the most recent updated program, but also again access a program prior thereto. Some of the "motors, gears, nuts and bolts" in the Audible.com materials might arguably be found listed in Audible.com materials, but nothing in them teaches the methodology of the Present Application Claims, or not including various of the "motors, gears, nuts and bolts" in the Audible.com materials in the Present Application Claims! The Examiner ignore this and simply copies Present Application Claims and then purports to show where elements in them are somehow like those

disclosed in the Audible.com materials and then declares the Present Application Claims obvious in view thereof. This is simply not a proper approach to finding obviousness under Graham v. John Deere Co., which it is noted remains good law even in view of the nonsense of the KSR case, which is justified only in view of the horrendous facts that were present in that scenario.

In formulating the obviousness argument, the Examiner also cites materials BW (PTO-892, Item X, pages 1-2) further in view of Lawcast (Paper #20070102, PTO-892, Item: V, pages 1-2). Applicant responds by arguing nothing in Audible.com would lead one skilled in the art to find said materials, and even if they did, known Lawcast materials not only are silent on use of the Internet, but teach against its use. In Lawcast materials Jason Meyers of Lawcast is quoted as saying---"Even computers - no matter how good they get, you can't use them in the car, said Meyer. "You can't use them as you walk". The Lawcast materials do not suggest distribution of legal updates over the Internet, hence do not provide elements missing in Audible.com.

As for the Lawline.com BW (Item X) materials, they describe providing Continuing Legal Education Webcast Courses. As such, as is the case with the Lawcast materials, they do not provide the missing teachings which would lead one skilled in the art to arrive at the Present Application Claims 1 and 19 recited above. Said lawcast and Lawline.com materials are simply recitation of more "motors, gears, nuts and bolts", so to speak but do not remotely hint at the "machine" made from them.

It is not argued that prior art does not describe acquiring audio books, newspapers, magazines, journals, Dow Jones information, radio broadcasts, Car Talk, Fresh Air, and Science Friday archived materials, and the like over the Internet. But

that is ALL the prior art the describes. Nothing remotely suggests that an AGREEMENT should exist between a user and a provider of audio format programming wherein the provider agrees to provide a service of periodically updating the content of updated materials a continuing multiplicity of times, wherein the content of each update is primarily focused on developments since the preceeding update, rather than on overcoming identified deficiency or establishing basic education. The present invention has all that as required, and further requires that a user access at least two updates. Existing practice involving providing audio format program would not infringe the Present Claims, and does not even hint at imposing such requirments.

In conclusion, the Examiner's position is that because he has found numerous non-Patent art references which recite various elements of the Present Application Claims, said Present Application Claims are obvious. This is simply not a proper application of Section 103 Obviousness. Analogically, the Examiner's position is nothing more than arguing that since numerous non-Patent references recite various "motors, gears, nuts and bolts" then the combination Claimed Machine is obvious. Applicant finds no remote suggestion in any cited references that would lead one skilled in the art to arrive at the methodology recited in the Independent Claims in the Present Application and therefore respectfully requested that the Examiner's Final Rejection be reversed and the Pending Claims Allowed.

ISSUE II

II. Whether the Patent Office properly rejected Claims 2-5 and 13 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods cited in PTO-892, items U pages 1-3 and V pages 1-11), BW

(PTO-892, Item X) and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claims 1 and 12, further in view of Boyers (PTO 892, Item VW).

Applicant chooses not to directly respond to the Issue, choosing instead to cite the forgoing approach regarding Issue I is valid against this Issue. Since the Claims involved are Dependent, Applicant argues they should be Allowable in view of the Allowability of the Independent Claims.

ISSUE III

III. Whether the Patent Office properly rejected Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods cited in PTO-892, items U pages 1-3 and V pages 1-11), BW (PTO-892, Item X, pages 1-2), and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claim 1, further in view of Rosenblum (PTO-892, Item WV).

Applicant chooses not to directly respond to the Issue, choosing instead to cite the forgoing approach regarding Issue I is valid against this Issue. Since the Claims involved are Dependent, Applicant argues they should be Allowable in view of the Allowability of the Independent Claims.

ISSUE IV

IV. Whether the Patent Office properly rejected Claim 15-18 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods contained in PTO-892, items U pages 1-3 and V pages 1-11), BW

(PTO-892, Item X, pages 1-2), and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claims 1 and 12, further in view of Rosenblum (PTO-892, Item WV), further in view of Katz (US 5,926,624 assigned to Audible, Inc.)

Applicant chooses not to directly respond to the Issue, choosing instead to cite the forgoing approach regarding Issue I is valid against this Issue. Since the Claims involved are Dependent, Applicant argues they should be Allowable in view of the Allowability of the Independent Claims.

ISSUE V

V. Whether the Patent Office properly rejected Claim 20 under 35 U.S.C. 103(a) as being unpatentable over Audible.com (a collection of prior art documenting Audible, Inc. business Methods contained in PTO-892, items U pages 1-3 and V pages 1-11), BW (PTO-892, Item X), and Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2) as applied to Claim 19, further in view of Sabludowsky (PTO-892, Item UU).

Applicant chooses not to directly respond to the Issue, choosing instead to cite the forgoing approach regarding Issue I is valid against this Issue. Since the Claims involved are Dependent, Applicant argues they should be Allowable in view of the Allowability of the Independent Claims.

CLAIMS APPENDIX

THE FOLLOWING IS A TRUE COPY OF THE TWICE REJECTED CLAIMS PENDING IN THE PRESENT APPLICATION; REJECTION OF WHICH IS APPEALED.

1. (currently amended): A method of providing audio format periodically updated professional continuing education to clients for payment, to keep clients aware and informed of developments in at least one topical category, comprising the steps of:

a. an information provider providing an enabling internet web site accessibility;

b. said information provider producing and making periodically updated audio format professional continuing education information available from audio information format machine readable storage via said web site in topical categories, and at least impliedly agreeing to provide a service of periodically updating the content thereof a continuing multiplicity of times, wherein the content of each update is primarily focused on developments since the preceeding update, rather than on overcoming identified deficiency or establishing basic education;

c. making access to said audio format professional continuing education information available, via said web site to clients by a selection from the group consisting of:

periodic subscription; and

direct pay per access event;

d. said information provider allowing at least one client to receive said audio format professional continuing education

information via said web site by, using an internet accessing means, accessing said web site, and providing payment via a selection from the group consisting of:

proof of paid subscription; and

presenting payment means;

and identifying a professional continuing education information topical category of interest,

followed by said at least one paying client accessing, without requirement of intermediate steps, receiving audio format professional continuing education information in said topical category of interest;

said method further comprising:

e. said information provider updating the audio format professional continuing education information in the at least one client identified topical category of interest in step d, and said at least one paying client in step d repeating step d after said audio format professional continuing education information is updated, and receiving the updated audio format professional continuing education information in said identified topical category of interest;

said method being further characterized in that the information in said client identified and received audio format professional continuing education is prepared to keep said client aware and informed of developments in the topical category and thereby maintain professional currency therein, to the exclusion of being prepared to train said client to overcome a specific documented

professional competency deficiency or to provide basic education.

2. (original): A method as in Claim 1, which further comprises the step of a client providing attestation of having received and listen-to-grasped the information accessed to the information provider and/or a professional licensing body.

3. (original): A method as in Claim 2 in which said attestation is provided via the internet accessing means.

4. (previously amended): A method as in Claim 1, which further comprises the steps of said information provider and/or a professional licensing body making available a questionnaire to said client, said client completing said questionnaire and providing said completed questionnaire and/or results thereof to the information provider and/or professional licensing body as proof of having received and listened-to-grasped the information accessed.

5. (original): A method as in Claim 4 in which said questionnaire or the results thereof, once completed by said client, is provided to the information provider and/or professional licensing body via the internet accessing means.

6. (original): A method as in Claim 1, in which said audio format professional continuing education information comprises a journal summary.

7. (original): A method as in Claim 1, in which said audio format professional continuing education information further comprises live audio presentation in addition to said audio information provided from audio format machine readable storage.

8. (original): A method as in Claim 1, in which said audio format professional continuing education information comprises a selection from the group consisting of:

an interview; and

expert commentary;

subscriber-client Hyde-Park; and

subscribing-client advertising programming.

9. (previously amended): A method as in Claim 1, which further comprises said information provider producing supplemental written and/or other visual format materials and making them available available to a video screen on said internet accessing means, simultaneous with providing said audio format professional continuing education information.

10. (original): A method as in Claim 1, which further comprises said information provider providing a citation to a source of more information regarding a topic and said client accessing said source.

11. (previously amended): A method as in Claim 1, in which topical categories are selected from the group consisting of:

law related areas of:

patent, trademark, copyright, trade secret, computer, internet, unfair competition, high-tech, contract, tort, property, wills & trusts, criminal, evidence, constitutional, corporate, taxation, estate planning, securities, banking,

bankruptcy, accounting, trade regulation, commodities, insurance, energy, environment and water, aviation, automobile, labor, social security, family, divorce, juvenile, workman's compensation, personal injury, product liability, employment practices, administrative, educational, mass communications, medical, farm, and military;

science, medical and technology related areas of:

astronomy, architecture, mathematics/statistics, physics, chemistry, engineering (electrical/electronic, nuclear, mechanical, civil, chemical, biological, genomic, construction, transportation, industrial, manufacturing, agricultural, computer, energy, environmental), horticulture/forestry, geology, food science, nutrition, psychology, zoology, veterinary, medicine (anatomy, physiology, bio-chemistry, cardiology, renal, gastro-intestinal, pulmonary, pathology, microbiology), pharmacy, nursing, Scientology/Dianetics; and

specific approach to practice tips.

12. (currently amended): A method of providing audio format periodically updated professional continuing education to clients for payment, to keep clients aware and informed of developments in at least one topical category, comprising the steps of:

a. an information provider providing an enabling internet web site accessibility;

b. said information provider producing and making periodically updated audio format professional continuing education information available from audio information format machine readable storage via said web site in topical categories, and at

least impliedly agreeing to provide a service of periodically updating the content thereof a continuing multiplicity of times, wherein the content of each update is primarily focused on developments since the preceeding update, rather than on overcoming identified deficiency or establishing basic education;

said developments being in topical categories selected from the group consisting of:

law related areas of:

patent, trademark, copyright, trade secret, computer, internet, unfair competition, high-tech, contract, tort, property, wills & trusts, criminal, evidence, constitutional, corporate, taxation, estate planning, securities, banking, bankruptcy, accounting, trade regulation, commodities, insurance, energy, environment and water, aviation, automobile, labor, social security, family, divorce, juvenile, workman's compensation, personal injury, product liability, employment practices, administrative, educational, mass communications, medical, farm, and military;

science, medical and technology related areas of:

astronomy, architecture, mathematics/statistics, physics, chemistry, engineering (electrical/electronic, nuclear, mechanical, civil, chemical, biological, genomic, construction, transportation, industrial, manufacturing, agricultural, computer, energy, environmental), horticulture/forestry, geology, food science, nutrition, psychology, zoology, veterinary, medicine (anatomy, physiology, bio-chemistry, cardiology, renal, gastro-intestinal, pulmonary, pathology, microbiology),

pharmacy, nursing, Scientology/Dianetics; and
specific approach to practice tips;

c. making access to said audio format professional continuing education information available, via said web site to clients by a selection from the group consisting of:

periodic subscription; and

direct pay per access event;

d. said information provider allowing at least one client to receive said audio format professional continuing education information via said web site by, using an internet accessing means, accessing said web site, and providing payment via a selection from the group consisting of:

proof of paid subscription; and

presenting payment means;

and identifying a professional continuing education information topical category of interest,

followed by said at least one paying client accessing, without requirement of intermediate steps, and receiving audio format professional continuing education information in said topical category of interest;

e. said information provider updating the audio format professional continuing education information in the at least one client identified topical category of interest in step d, and

said at least one paying client in step d repeating step d after said audio format professional continuing education information is updated, and receiving the updated audio format professional continuing education information in said identified topical category of interest;

f. said client providing attestation of having received and listen-to-grasped the information accessed to the information provider and/or a professional licensing body;

said method being further characterized in that the information in said client identified and received audio format professional continuing education is prepared to keep said client aware and informed of developments in the topical category and thereby maintain professional currency therein, to the exclusion of being prepared to train said client to overcome a specific documented professional competency deficiency or to provide basic education.

13. (previously amended): A method as in Claim 12 in which the step of said client providing attestation of having received and listen-to-grasped the information accessed involves said information provider and/or a professional licensing body making available a questionnaire to said client, said client completing said questionnaire and providing said completed questionnaire and/or results thereof to the information provider and/or professional licensing body as proof of having received and listened-to-grasped the information accessed.

14. (previously amended): A method as in Claim 12, which further comprises said information provider producing supplemental written and/or other visual format materials and making them available to a video screen on said internet accessing means, simultaneous with providing said audio format professional

continuing education information.

15. (previously amended): A method as in Claim 1 which further comprises the client downloading the information accessed onto a recording means to enable maintaining a ~~permenant~~ permanent library record thereof.

16. (previously amended): A method as in Claim 12 which further comprises the client downloading the information accessed onto a recording means to enable maintaining a ~~permenant~~ permanent library record thereof.

17. (previously amended): A method as in Claim 1 which further comprises the information provider continuing to make archived information available in topical categories tagged with a date of original availability, and in which the method further comprises said client accessing said ~~archieved~~ archived information corresponding to that accessed in step d, after ~~haveing~~ having ~~accessed~~ accessed information in topical category e, by identifying both the topical category and said date of original availability.

18. (previously amended): A method as in Claim 12 which further comprises the information provider continuing to make archived information available in topical categories tagged with a date of original availability, and in which the method further comprises said client accessing said ~~archieved~~ archived information corresponding to that accessed in step d, after ~~haveing~~ having ~~accessed~~ accessed information in topical category e, by identifying both the topical category and said date of original availability.

19. (currently amended): A method of providing audio format periodically updated professional continuing education to clients

for payment, to keep clients aware and informed of developments in at least one topical category while allowing said clients to, optionally, tend to other tasks not requiring of listening, comprising the steps of:

a. an information provider providing an enabling internet web site accessibility;

b. said information provider producing and making periodically updated audio format professional continuing education information available from audio information format machine readable storage via said web site in topical categories, and at least impliedly agreeing to provide a service of periodically updating the content thereof a continuing multiplicity of times, wherein the content of each update is primarily focused on developments since the preceeding update, rather than on overcoming identified deficiency or establishing basic education;

said audio format professional continuing education information being made available in topical categories selected from the group consisting of:

law related areas of:

patent, trademark, copyright, trade secret, computer, internet, unfair competition, high-tech, contract, tort, property, wills & trusts, criminal, evidence, constitutional, corporate, taxation, estate planning, securities, banking, bankruptcy, accounting, trade regulation, commodities, insurance, energy, environment and water, aviation, automobile, labor, social security, family, divorce, juvenile, workman's compensation, personal injury, product liability, employment practices, administrative, educational, mass communications, medical, farm, and military;

science, medical and technology related areas of:

astronomy, architecture, mathematics/statistics, physics, chemistry, engineering (electrical/electronic, nuclear, mechanical, civil, chemical, biological, genomic, construction, transportation, industrial, manufacturing, agricultural, computer, energy, environmental), horticulture/forestry, geology, food science, nutrition, psychology, zoology, veterinary, medicine (anatomy, physiology, bio-chemistry, cardiology, renal, gastro-intestinal, pulmonary, pathology, microbiology), pharmacy, nursing, Scientology/Dianetics; and

specific approach to practice tips;

said audio format professional continuing education information being tagged with an identifying date and/or topic;

c. making access to said audio format professional continuing education information available, via said web site to clients by a selection from the group consisting of:

periodic subscription; and

direct pay per access event;

d. said information provider allowing at least one client to receive said audio format professional continuing education information via said web site by, using an internet accessing means, accessing said web site, and providing payment via a selection from the group consisting of:

proof of paid subscription; and

presenting payment means;

and identifying a professional continuing education information topical category of interest,

followed by said at least one paying client accessing, without requirement of intermediate steps, and receiving audio format professional continuing education information in said topical category while optionally tending to other tasks not requiring of listening;

e. said information provider updating the audio format professional continuing education information in the at least one client identified topical category of interest in step d, and said at least one paying client in step d repeating step d after said audio format professional continuing education information is updated, and receiving the updated audio format professional continuing education information in said identified topical category of interest;

f. said client, after step e, again accessing the audio format professional continuing education information originally provided in a practice of step d before the information is updated and accessed in step e, by again practicing step d with the addition that the identifying date with which said updated audio format professional continuing education information was tagged is entered along with the identifying of a professional continuing education information topical category of interest;

said method being further characterized in that the information in said client identified and received audio format professional continuing education is prepared to keep said client aware and

informed of developments in the topical category and thereby maintain professional currency therein, to the exclusion of being prepared to train said client to overcome a specific documented professional competency deficiency or establishing basic education.

20. (original): A method as in Claim 19 in which information is tagged with at least one key-word, and in which step f involves entering said at least one key word to enable quicker access to specific content is said audio format professional continuing education regardless of date.

21. (original): A method as in Claim 1 in which said client, while listening to said audio format professional continuing education, tends to other tasks not requiring of listening.

22. (original): A method as in Claim 12 in which, said client, while listening to said audio format professional continuing education, tends to other tasks not requiring of listening.

23. (currently amended): A method of providing audio format periodically updated professional continuing education to clients for payment, to keep clients aware and informed of developments in at least one topical category, comprising the steps of:

a. an information provider ~~providing an~~ enabling internet web site accessibility;

b. said information provider producing and making periodically updated audio format professional continuing education information available from audio information format machine readable storage via said web site in topical categories, and at least impliedly agreeing to provide a service of periodically updating the content thereof a continuing multiplicity of times,

wherein the content of each update is primarily focused on developments since the preceeding update, rather than on overcoming identified deficiency or establishing basic education;

c. making access to said audio format professional continuing education information available, via said web site to clients by a selection from the group consisting of:

periodic subscription; and

direct pay per access event;

d. said information provider allowing at least one client to receive said audio format professional continuing education information via said web site by, using an internet accessing means, accessing said web site, and providing payment via a selection from the group consisting of:

proof of paid subscription; and

presenting payment means;

and identifying a professional continuing education information topical category of interest,

followed by said at least one paying client receiving audio format professional continuing education information in said topical category of interest at least twice, once before and once after information in said topical category is updated.

24. (original): A method as in Claim 23 which is further characterized in that the information in said client identified and received audio format professional continuing education is

prepared to keep said client aware and informed of developments in the topical category and thereby maintain professional currency therein, to the exclusion of being prepared to train said client to overcome a specific documented professional competency deficiency.

25. (previously presented): A method as in Claim 1 which further comprises, in step d, practice of intermediate steps by said at least one paying client when accessing audio format professional continuing education information in said topical category of interest, said practiced intermediate steps being other than steps to determine professional competence deficiency of said at least one paying client.

26. (previously presented): A method as in Claim 12 which further comprises, in step d, practice of intermediate steps by said at least one paying client when accessing audio format professional continuing education information in said topical category of interest, said practiced intermediate steps being other than steps to determine professional competence deficiency of said at least one paying client.

27. (previously presented): A method as in Claim 19 which further comprises, in step d, practice of intermediate steps by said at least one paying client when accessing audio format professional continuing education information in said topical category of interest, said practiced intermediate steps being other than steps to determine professional competence deficiency of said at least one paying client.

EVIDENCE APPENDIX

Included are copies of:

RE: ISSUE I.

Audible.com (a collection of prior art documenting Audible, Inc. business Methods cited in PTO-892, items U pages 1-3 and V pages 1-11 and BW (PTO-892, Item X, pages 1-2)

Lawcast (Paper #20070102, PTO-892, Item: V, pages 1-2);

RE: ISSUE II, In addition to Issue I materials:

Boyers (PTO 892, Item VW).

RE: ISSUE III, In addition to Issue I materials:

Rosenblum (PTO-892, Item WV).

RE: ISSUE IV, In addition to Issue I and III materials:

Lawcast (Paper #20070102, PTO 892, Item V, pages 1-2).

Katz (US 5,926,624 assigned to Audible, Inc.).

RE: ISSUE IV, In addition to Issue I materials:

Sabludowsky (PTO-892, Item UU).

U: Audible.com

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Audible Inc. capitalizes on providing content on the Net

Catherine Applefeld Olson. *Billboard*. New York: Nov 28, 1998. Vol. 110, Iss. 48; pg. 51, 2 pgs

>> [Jump to indexing \(document details\)](#)

Full Text (858 words)

Copyright BPI Communications Inc. Nov 28, 1998

WASHINGTON, D.C.-Many companies are promising Internet magic, but when it comes to [Audible Inc.](#), hearing is believing.

The Wayne, N.J.-based company is revolutionizing the distribution of content by enabling users for a fee to download material from its World Wide Web site that they can play back with the portable [Audible player](#)

Privately held [Audible](#)-which has received funding from venture capital firm [Kleiner, Perkins, Caufield & Byers](#); [Intel](#); [AT&T](#); and Compaq started life three years ago to provide a new distribution channel for audiobooks and quickly segued into other spoken-word content.

Its library currently numbers 16,000 pieces of content, which will more than double in a year, based on existing deals alone. The encoded material is available for download from the Audible Web site (www.audible.com) to the player two hours at a time.

Because the player carries a price tag of \$199 and is designed for people on the move, [Audible](#) is targeting the mobile professional. That group includes the 84 million people who drive to work alone, focusing specifically on 30- to 50-year-olds who have middle-class or higher incomes and are Internet savvy, says [Audible](#) founder Don Katz.

To support its first revenue stream, the delivery of audiobooks over the Internet, [Audible](#) has deals with more than 80 audiobook publishers whose works it compresses and encodes for release at the same time the books hit retail shelves.

Because book publishers fear cannibalization of sales, Katz says, [Audible](#) often encounters "some kind of momentary pause" when it first approaches them. But he adds that the company has made great strides with publishers and is pursuing copromotional avenues with

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Audio books

them, such as posting on its Web site portions of books before publication date.

The second content area has timesensitive information that may or may not have existed previously in audio form. It is this category audio versions of newspapers, magazines, and journals, and radio broadcasts that can be listened to according to the user's schedule that Katz and Audible president/ CEO Andy Huffman believe will become the cornerstone of their business.

*newspapers
magazines
journals
radio broadcasts*

The third portion of Audible's business is contracts with corporations that want to communicate proprietary messages through the Audible system. Audible will encode the corporation's audio content and secure it on Audible's servers. Huffman says Audible is targeting the financial, technology, and pharmaceutical industries and adds that several Fortune 500 companies are testing the concept.

*Finance
Technology
(pharmaceuticals)*

With Audible's addition of the time-sensitive material comes a move toward more unique content that Katz likens to cable channel HBO's segue from being a distributor of feature films to a producer of original programming.

Audible has deals with a variety of publications whose works do not appear anywhere else in spokenword form, including The Economist and Harvard Business Review. Regarding the 200,000-word special reports published by The Economist, Katz says, "Who has time to read these things? But they make an incredible 40-minute listen."

Other unique audio content includes a variety of technology newsletters and a daily Internet business report from research firm Jupiter Communications.

Audible will put its name on its original fare but does not plan to push its name too far. "We promote the brands; we don't subsume them," Katz says.

Coming this winter is a threetimes-a-day version of The Wall Street Journal that will cover some of the topics included in the daily print edition and on the Journal's Web site but also will contain unique information. The audio editions will be narrated in part by someone from Dow Jones & Co., the Journal's parent company, and in part by an Audible reader.

"Anything that's shorter in length and timely makes sense for us," Huffman says. "The three versions of The Wall Street Journal, for example, you just fundamentally couldn't do in cassette form. And if you are at your desk, you are more apt to read than listen to it."

Growth in the timely-content category has also brought with it a bundled-subscription model. For example, Audible offers time-shifted versions of the NPR programs "Car Talk," "Fresh Air," and "Science Friday" as well as Garrison Keillor's essays. Individually, each program costs \$1.95 to download; a monthly subscription to all costs \$6.95.

A new Audible feature automatically sends E-mails to subscribers alerting them whenever a new program in their service is available.






Currently, the Audible player is available for purchase only on the Internet, although Katz and Huffman envision a time when they will approach more traditional retail channels. Because the player can easily be built into other types of products, Audible is looking at the possibility of incorporating it into devices such as Microsoft's Windows CE products and the Palm Pilot.

"The real goal for us is to sell our audio content into any mobile device," says Huffman. "The key question is how can we secure our content on them, because our whole system is based around security and licensing."

As for a possible move into music, Huffman says, "We are talking with the record labels, but so far they are unwilling to license music content. It is also not easy to envision how teenagers will pay for this kind of content when they are getting it for free now."

Indexing (document details)

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our mission:

The spoken word is the oldest and most evocative form of human communication. We've created the Audible system to make the time while you are driving to work or working out at the gym more useful and engaging. So that instead of wasting time you can catch up on your reading. You can listen to that thriller you never got to. Or take in a Harvard history lecture. Or listen to that conference on Internet technology trends you couldn't attend. Or hear the Terry Gross interview with your favorite author.

The Audible system has also been engineered to work seamlessly with corporate intranets. For more information about how Audible can work with your company to improve your internal communications and productivity, [click here](#).

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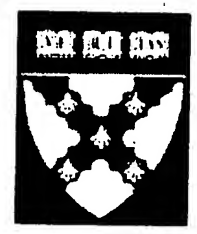
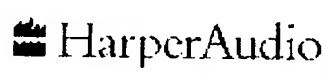
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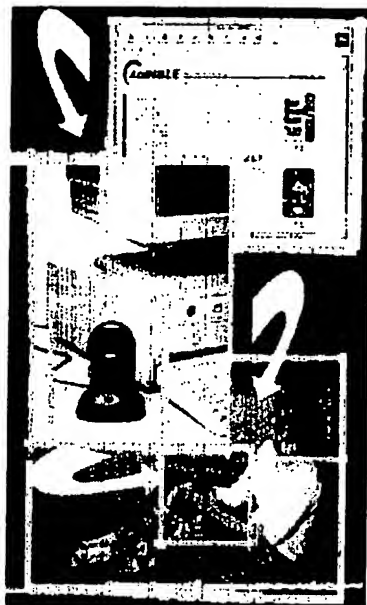
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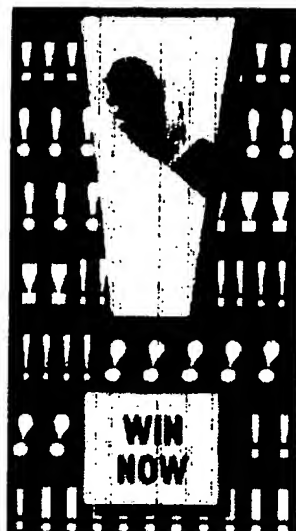
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When you're driving to work listening to, say, a business conference you couldn't attend, a great thriller, or the most recent edition of *Car Talk*, it might not matter to you that the Audible player is an extremely powerful little peripheral with 4 megabytes of flash RAM and support for multiple CODECs. But just in case you're interested, here are some of its more remarkable features:

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- *Mary Shelley's Frankenstein and the Emergence of Science Fiction*, a lecture by Prof. Eric S. Rabkin
- *To the Best of Our Knowledge*
- *Rush Limbaugh Is a Big Fat Idiot* by Al Franken
- *Hegel's Philosophy of Freedom, God, and the State*, a lecture by Prof. Dennis G. Dalton
- *Fresh Air with Terry Gross*
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- *The Essential Appliance: The Future of Network Computing* with Larry



Progressive Networks and Audible Inc. Team Up to Make RealAudio Mobile

Audible Player Will Mark the First Time Consumers Can Access RealAudio Programming Away from the PC

WAYNE, N.J., September 15, 1997 – Audible Inc., a new company whose system will enable consumers to download spoken audio via the Internet for mobile playback, and Progressive Networks, the recognized streaming media market leader, today announced a jointly developed solution that will soon make it possible for consumers to quickly download RealAudio[®] spoken audio content from the Web for mobile playback on Audible's new portable, handheld PC peripheral. This will mark the first time that consumers can access RealAudio spoken content away from the PC by downloading compressed digital audio files and storing them on Audible's 3.5 ounce Audible player for playback anytime, anywhere. This new mobility is expected to appeal to the estimated 84 million people who drive alone to work each day, the 50 million people who exercise regularly, and to the more than 20 million Web users who have downloaded Progressive Networks' RealPlayers.

The mobile solution for RealAudio brings an added dimension to the Audible system, which will be introduced this fall. Cornerstone to the system is Audible's playback peripheral – the Audible player – and a vast selection of spoken audio content available for purchase from Audible's Web-based store located at <http://www.audible.com>. At launch, the Audible.com store will offer more than 10,000 hours of spoken audio programming from close to 60 leading audiobook publishers, business conference providers, and educational and cultural institutions. Programs will be available for purchase, download, and listening using the Audible player with headphones or via any automobile stereo system. The agreement between Progressive Networks and Audible means that RealAudio content can be accessed and played back via the Audible player alongside content from the Audible.com store.

"We believe there is a spoken audio boom afoot in the culture. It involves the burgeoning popularity of audiobooks, continuing education courses, the lecture circuit, public readings, business training and motivational materials, and the innumerable examples of spoken word audio on the Internet," said Don Katz, cofounder and CEO of Audible Inc. "As a result of this alliance with Progressive Networks the tens of thousands of Web sites that stream audio via Progressive Networks' server technology will be able to offer listeners the option of quickly taking audio away from the PC for mobile playback. Internet users will be able to program their drive time and exercise time to listen to material they could previously hear only at their computers."

As a result of the agreement, Progressive Network's Web-based audio will be delivered to the Audible player for playback while driving or exercising. The player will hold close to 2 hours of RealAudio (.RA) content. Current Progressive Networks streaming audio providers will be able to easily upgrade to provide their customers the benefits of mobility using current file formats.

"Taking RealAudio content from the computer and putting it in the palms of people's hands via the Audible Player represents a powerful step in the evolution of the Internet," said Rob Glaser, chairman and CEO of Progressive Networks. "Offering listeners unmatched convenience, affordability, and quality of content, this alliance is also one of the first to extend the reach and impact of the Internet far beyond the confines of the computer."

"Audible's introduction of mobile audio via the Internet represents a significant advance for the Web-based content community and its customers," said Tom Phillips, president of ABCNews/ESPN

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from: [Select language](#)**Lawline.Com Offering Continuing Legal Education***Business Editors. Business Wire. New York: May 26, 1999. pg. 1***Abstract (Summary)**

(BUSINESS WIRE)--May 26, 1999--Lawline.Com(TM) (www.lawline.com), the leading aggregator and broadcaster of law-related streamed media programming on the Web, announced today that it has begun offering continuing legal education on the Internet in partnership with leading bar associations and other providers of continuing legal education courses. The bar associations will use Lawline.Com(TM) as a course delivery tool to help their members fulfill annual continuing education requirements that lawyers must meet as a condition of retaining their license to practice.

>> [Jump to indexing \(document details\)](#)**Full Text (276 words)**

Copyright © Business Wire May 26, 1999

NEW YORK--(BUSINESS WIRE)--May 26, 1999--Lawline.Com(TM) (www.lawline.com), the leading aggregator and broadcaster of law-related streamed media programming on the Web, announced today that it has begun offering continuing legal education on the Internet in partnership with leading bar associations and other providers of continuing legal education courses. The bar associations will use Lawline.Com(TM) as a course delivery tool to help their members fulfill annual continuing education requirements that lawyers must meet as a condition of retaining their license to practice.

Managing partner Alan J. Schnurman of Zalman & Schnurman, which formed Lawline.Com(TM) as an outgrowth of the firm's successful personal injury, negligence and insurance litigation practice, said, "Webcast courses, while not intended to replace 'in-person' offerings, make it possible for busy attorneys and paralegals to stay current in their practice areas at a time and place that is convenient for them."

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The site combines audio and video webcasting with downloadable textual materials.

"In addition to its comprehensive program of Continuing Legal Education, Lawline.Com(TM) offers bar association programs, law-related public affairs programs, information for consumers about the law and advice about how to hire an attorney. Lawline.Com(TM) also offers a variety of unique advertising opportunities of interest to practicing attorneys, legal publishers, products affiliated with legal services, and general advertisers eager to reach lawyers and their clients.

"Lawline.Com(TM) has the network infrastructure and expertise to deliver or 'stream' hundreds of live and on-demand audio and video programs over the Internet or Intranets to hundreds of thousands of users, and by utilizing the power of the Internet, Lawline.Com(TM) can reach a much wider audience than has ever been possible, all at little or no cost," Schnurman concluded.

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GETTING AN EARFUL OF LAW ON CASSETTE LEGAL JOURNALS CAN PILE UP, UNREAD. N.J. LAWYERS FIND LAWCAST HELPS THEM KEEP UP.

Philadelphia Inquirer (PI) - FRIDAY April 7, 1995

By: Julie Stoiber, INQUIRER STAFF WRITER

Edition: FINAL Section: BUSINESS Page: C01

Word Count: 1,023

Memo:

LEGAL SERVICES

Text:

Lawyers, the saying goes, are information-hungry and time-starved. Which would explain the stack of reading material teetering next to Carl D. Poplar's desk.

"You fall behind," admits the Turnersville trial lawyer.

It's no wonder.

With new laws being created every day - by legislators and by judges rendering opinions in cases - the demands of keeping up never let up.

Legal journals pour into lawyers' offices and pile up on their credenzas, along with a bewildering array of newsletters and magazines and the daily mail.

Summer is the worst.

"It's a war in August," Poplar says. "You get a flurry of (court) opinions in July and August."

A lawyer not knowing the law would be like a baserunner not knowing how many outs there are: It could cost him the game.

Poplar, though, has found a new way to stay on top of things.

A year ago, in his stack of mail, he came across a brochure for a product called Lawcast, a news service on audiocassette for New Jersey lawyers.

Poplar, who spends a lot of time in his Cadillac driving between the office, the courthouse and client meetings, figured he'd pop Lawcast in his tape player and give it a try.

It wasn't boring.

And that was a surprise, since Poplar had listened to plenty of tape-recorded legal seminars that made his eyes glaze over. Lawcast, he says, was different - like a radio show for lawyers, complete with anchors, interviews, sound bites, headline newsreaders and musical segues.

A year later, he's still subscribing - and requiring the other lawyers at Poplar & Eastlack to listen to the tapes, too. They receive a 60- to 90-minute tape every two weeks.

"I feel better informed," he said.

That's just the reaction Jason B. Meyer, Lawcast's inventor, had counted on.

The inspiration for Lawcast evolved during Meyer's 40-minute commute to his law office.

"I listened to a lot of all-news radio and a lot of NPR," said Meyer, 37, "but I was having trouble keeping up with my reading."

And then the former broadcaster had a thought: What if you presented legal news in a format like National Public Radio's Morning Edition and All Things Considered?

With audio, lawyers could listen while they commuted, walked the dog, jogged, rode the exercise bike, or waited for the kids in the parking lot at the library.

"Even computers - no matter how good they get, you can't use them in the car," said Meyer, of Pennington. "You can't use them as you walk."

By the time Meyer left his law firm to start Lawcast, he had a much shorter commute: In January 1994, he resigned as an associate in the Princeton office of Dechert Price & Rhoads, the Philadelphia law firm. He and his wife, Tracy Wurzbach Meyer, 34, formed Vox Juris Inc. (the voice of the law) with capital from private investors.

Their first edition of New Jersey Lawcast was ready that May, and they introduced it through ads, direct mail and booths at legal events. Lawyers subscribe as they would to a newsletter and receive a tape every other week, accompanied by an outline, for \$329 a year.

The challenge is to make the tapes interesting, given that legal reading



can be dry as dust. The Pelican Brief it's not.

The meatiest part of Lawcast is CaseReel, in which two anchors - including Meyer - trade off talking about recent court decisions. The digest is interspersed with legislative news, features on topics such as tort reform, reports from Lawcast's Washington bureau, a calendar of events, and general legal scuttlebutt.

"Almost all of our reporters are lawyers," Meyer said. "When it comes to interpreting cases, you need a lawyer with practical experience."

Lawcast started with four full-time employees, including the Meyers, and it now has 10. It employs 10 to 15 freelancers.

"We do all of our own recording, sound editing, tape duplication and subscriber fulfillment," Meyer said in an interview from the company's office-studio in Pennington, N.J.

Poplar, the Turnersville litigator, doesn't just listen to Lawcast, he analyzes it.

He thinks the dialogue among anchors and correspondents "keeps you focused."

And the way the case digests are interspersed with soft news aids absorption. "If they just did CaseReel after CaseReel, you'd lose it," Poplar said. "The features let the mind relax, then you get back to CaseReel."

D. William Subin, a Northfield, N.J., courtroom lawyer, is too busy reading trial transcripts to listen to Lawcast on the exercise bike. He tunes in from the driver's seat of his Audi.

For him, Lawcast's pledge to be comprehensive is a safety net: He knows he will hear about every decision that affects his practice. "I can't read through every case that comes out through every court," he said.

A subscriber service line helps lawyers get copies of materials referred to on the tapes.

Meyer won't divulge the number of subscribers, but estimates that with tapes being passed around law offices, there are 1,000 listeners.

"It's growing, and it's growing well," he said.

In October, the Meyers added a Lawcast for in-house lawyers at corporations. This month, they will introduce Lawcast for intellectual-property lawyers, and next month an edition for employment and labor specialists.

"We'd very much like to do Pennsylvania," Meyer said. "Our plan is to expand the product."

With 50 states, and myriad legal specialties, the growth potential is attractive.

"We're in this for keeps, to become a national legal publishing company," said Meyer, a 1985 graduate of Penn Law School. "I hope that this will turn out to be more lucrative than the law practice."

Caption:
PHOTO

PHOTO (3)

1. Jason Meyer and Tracy Wurzbach Mayer started a subscription service last year to offer the latest in legal news. Jason Mayer says he got the idea during a commuter train ride. (For The Inquirer / CHERIE KEMPER-STARNER)
2. Jason Meyer chats with Lawcast managing editor Doug Schlatter while waiting for a recording to finish.
3. Jason B. Meyer in the Pennington, N.J., broadcast studio of Lawcast. Lawcast is a news service on audiocassette for New Jersey lawyers. (A02)

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Reach out and teach someone

Boyers, Karla. Association Management. Washington: Jun 1996.
 Vol. 48, Iss. 6; pg. 41, 8 pgs

Abstract (Summary)

The greatest challenge for associations when using technologies to teach is figuring out the most appropriate medium to try - according to their own development and operating costs, member access and the kind of information they want to convey - and then fitting the message to that medium in a stimulating and effective manner. A number of associations are using technology - ranging from telephone to satellite to CD-ROM - to reach out and teach new audiences. The experiences of the following associations are discussed: 1. the American Production and Inventory Control Society (APICS), 2. Nebraska Continuing Legal Education Inc., 3. American Association of Critical-Care Nurses, 4. the Mortgage Bankers Association of America, 5. the American Society of Chartered Life Underwriters and Chartered Financial Consultants, and 6. the Medical Library Association.

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Full Text (3579 words)

Copyright American Society of Association Executives Jun 1996

[Headnote]

Associations are serving up their education with a variety of technologies. Here's what a handful have tried and what they're learning in the process.

Thinking you can offer click-on or downlink or dialup technologies and have members spontaneously tune in to be taught is like thinking your association's strategic plan becomes implemented upon conception. You'll likely have to put in months-even years-of planning, developing, and fine-tuning before you see significant results.

Since technology is merely the courier, the message of your educational offerings is still the primary link between you and yours. The great challenge with using technologies to teach is figuring out the most appropriate medium to try-according to your own development and operating costs, member access, and the kind of information you want to convey and then fitting your message to that medium in a stimulating and effective manner.

Association executives interviewed for this article are using technology-ranging from telephone to satellite to CD-ROM-to reach

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out and teach new audiences, including segments of their own memberships that were never before able to access association programming. By experimenting with a variety of technologies, these and other association executives are developing learning opportunities that fit individual schedule preferences, learning goals and styles, and budgetary means. In the process, they're finding out what potential problems and payoffs come with developing new learning models for an increasingly techno-oriented audience. What they've learned may hold some good lessons for you. Be bold

"We went cold turkey with computer-based testing," says Patricia Kutt, CAE, director of education for APICS, the Educational Society for Resource Management, Falls Church, Virginia, an association of 70,000 manufacturing professionals with a staff of 90 and an annual operating budget of \$20 million.

For the past 20 years, APICS has been in partnership with Educational Testing Service to offer the modular series of exams for its two separate certifications. (APICS is now working with The Chauncey Group International, Ltd., an ETS wholly owned for-profit subsidiary.) Interested in developing a pilot program for all its testing programs, ETS approached APICS in 1991 to consider moving from paper-and-pencil examinations to a computer-based testing (CBT) method (also called computer-based training).

Risk. After two years of research to develop content items and courseware, APICS and ETS entered a seven-year multimillion-dollar contract, with both sharing a percentage of the risk and reward and with development costs spread across that time period.

Certification isn't required for APICS members, although traditionally members have pursued it and companies have encouraged and usually paid for it for employees. In fact, so strongly do companies support certification that when APICS needed to hike test fees by 40 percent to offer CBT, few balked at the higher prices. Moving to CBT as a testing method made sense in terms of APICS members, too, says Kutt, since 80-90 percent work with computers on a daily basis.

Convenience. Before CBT, APICS administered approximately 55,000 tests per year, so it wasn't prepared for the significant drop-off that paralleled the transition to CBT. The association was convinced that the new method offered much more convenience for members. For example, instead of the six weeks previously required to lock in on registration dates, members can now register within 48 hours. Test dates are more flexible and more frequent. Instead of a noisy classroom setting, where exams traditionally took place, members now have more than 250 computer-equipped, noise-controlled sites where they answer questions with the simple click of a mouse and get scores immediately instead of waiting six to eight weeks. And since the instant results allow an individual to take multiple exams the same day, the new method makes it feasible for a member to go through the series of modules within a few days if desired instead of the one-to-three-year cycle previously needed to complete certification.

APICS has no tested results for why the drop-off occurred, says Kutt, but in a phone survey of approximately 1,000 certification candidates, it found that more than 80 percent were waiting or putting off testing because of professional or personal schedule conflicts or because they said they felt unprepared.

Geography. APICS has since done some additional investigation into possible culprits. "One reason may be less-convenient site location," says Kutt, although she admits the association felt it had researched and solved that issue early on. "One project group did an extensive sitegap analysis whereby they mapped locations of old sites and then mapped new computer sites, drew concentric circles, and found that almost no new site was more than an hour from a previous site," explains Kutt. While you'll never please all members with regard to location, says Kutt, APICS now has a better understanding of how geography plays a part in the success of new delivery mechanisms. "For Texans, increased distance is perhaps not as much of an issue as for someone in West Virginia or North Carolina. If a new site means having to cross a mountain at night in the winter, getting there is much more of a hassle. Such physical geographic barriers were never even considered as a hindrance for test-taking."

Another possibility for the lower numbers is what Kutt calls the "herd" factor. Often a company will work to get members trained together, so that the same group of individuals have traditionally gone through workshops and tests at the same pace. "Now test sites might not be able to accommodate large numbers at the same time, and with increased flexibility, individuals might sign up at their own convenience-or not at all if other things come up," says Kutt. "The bonding experience is fragmented."

Incentive. As a result, APICS is getting chapters more involved with tailoring educational needs and encouraging members to complete certification modules. Some chapters have started a group voucher system, where they conduct training workshops that include the cost of the exam, thereby providing extra incentive for individuals to take the tests before the vouchers expire. APICS and its chapters are also tapping previously tested individuals to help get the word out that CBT is a great improvement upon paper and pencil. With these renewed efforts, APICS is watching the numbers gradually climb for 1996.

Giving a new technology a minimum of a year to catch on is among the wisdom Kutt is eligible to share. As for budget, "Most people budget at the same level when implementing a new delivery method. Budget anticipated revenue lower instead," says Kutt. "Anticipate that there will be a drop-off, because there usually will be a decrease at first." Finally, "If possible, avoid changing multiple elements of your program all at once," says Kutt. "We changed the method, the sites, test fees, times, and registration process procedures, and we upset the herd factor. If statistical tracking is important to you, keep in mind that when you change everything at once, it is almost impossible to determine which of the multiple variables resulted in success or failure of the project."

Be considerate

"Everyone needs to look at the value of their members' time and how to deliver information to members and customers accordingly," submits Cynthia Lilleoien, executive director of Nebraska Continuing Legal Education, Inc., Lincoln, the educational arm of the Nebraska State Bar Association.

NCLE's 2.5 full-time-equivalent staff positions serve the 8,000-plus individual attorney-members of NSBA, of which about 4,500 are actively practicing. While there is a mandatory membership in the state bar association, continuing education is currently not a state

requirement for attorneys. (NSBA does have a petition before the Nebraska State Supreme Court to propose a ruling on mandatory continuing legal education.) Positioning yourself with a \$489,000 annual operating budget in an education market that doesn't directly depend on you for its survival but that may one day have a very urgent need for your information is something Lilleoien can comment about.

Reach. In addition to the three half-day satellite programs NCLE has offered each year since 1993, the organization more recently has pursued telephone seminars. "It's an alternative way to reach people, particularly in outlying regions of the state," says Lilleoien. And in a sparsely populated state such as Nebraska, this especially makes sense.

NCLE launched its first series of 1 1/2-hour programs this January. While the numbers for the first series were low—a total of about 65—Lilleoien says to keep in mind that "no one has to do this." In terms of outlay virtually no risk is involved, says Lilleoien. NCLE was able to promote the three seminars in one brochure offering a discount to attend all three. Staff time and costs primarily entail recruiting presenters, who can make presentations from their own offices if they like.

NCLE works with a company called Tele-Seminars to air the programs. "We negotiate an hourly rate per person registered based on what we do," says Lilleoien. "I operate the control phone, we register people, send out materials, and so forth. So we're able to get lower rates." In turn, NCLE charges participants \$59 for a single program, but registrants pay no phone charges. Each registrant is assigned a personal pin number with which to connect to the seminar so that the system can track when a participant logs in and out. An attendance record is automatically kept for NCLE.

Access. "This delivery mechanism will become more viable, especially if the state makes the mandatory continuing education rule," says Lilleoien, who believes audio is underused and often taken for granted. "You can reach a good percentage with audio that you wouldn't otherwise. As people appreciate time constraints, they may recognize that audio offers conveniences such as allowing them to eat lunch in their offices while participating in the seminar," says Lilleoien. "And unlike other equipment, most everyone has a touch-tone phone they can access in their offices or homes." Another benefit: Telephone seminars don't hinge on the weather. "For one of the seminars we offered, some of the major roads were closed due to ice. But we were still able to have the seminar," notes Lilleoien.

Be available "We feel we've really stepped in to deliver," says Melody Davidson, program development specialist, American Association of Critical-Care Nurses (AACN), Aliso Viejo, California. "Most hospitals used to have educators on staff. Many of those positions are being eliminated, and nurses still need the education," she explains.

Three years ago, AACN—which has an annual operating budget of \$12 million and a staff of 100 serving 77,000 members—tried offering continuing education in a satellite format. They soon found out that many hospitals did not have the necessary downlink capabilities, and the onetime broadcast meant many weren't able to attend.

Flexibility. In lieu of the satellite programs, AACN now videotapes

presentations on various subjects and sends copies directly to site coordinators. Sites vary from chapter-sponsored to hospitals or even restaurants. Individuals can view the videos at their convenience or as a group. For each of the six programs AACN develops throughout the year, 10 different audio-bridge hookups are scheduled during the course of several months so that an individual site can dial into a free 800 number during any of the scheduled times to have live connection to the presenter to ask questions.

For AACN's spring series, more than 8,000 members registered "four times what we anticipated based on the several hundred we had via satellite," says Davidson. Video development and marketing costs of the program—which are offered free of charge to members—are underwritten by a sponsoring company.

Variety. In addition to video, AACN offers continuing education online. IQNow, an AACN private network that premiered last year, currently serves about 400 subscribers. Shannon Spear Carter, AACN project manager, says the association is aiming for 3,000 subscribers by next year. Subscription costs to the service run as low as \$6.95 per month. "We will have continuing education tests available online where you click on the answers, and when you've finished, it bounces back a message with immediate results" to the test taker and provides AACN with a record of the results at the same time, says Carter. AACN also is developing whole courses to offer online. A recent six-week course on alternative therapies charged \$450 per registrant.

Be human

"Where I see online versus computer-based training is that you can have that interaction with multiple humans online. It can be tough to sit there and do a program by yourself," says Joyce Kappeler, senior staff vice president of education, Mortgage Bankers Association of America, Washington, D.C., an association of 2,600 member companies representing 250,000 mortgage bankers and related industry professionals. MBA, which has a staff of 134 and an annual operating budget of about \$24 million, is currently working with a company to develop a pilot course for access via a private network that will be interactive among students and instructors. With class sizes limited to 15-30 people, participants can get to know each other, be assigned to work groups, and receive individual feedback by instructors.

Online ventures aside, MBA started developing computer-based training products in 1988, when it produced a floppy-disk primer on mortgage banking to sell to member companies. Sales of the tutorial—an introduction to all facets of the industry—climbed in the early 1990s. When it came time for a revision, MBA decided to launch a more abbreviated multimedia option in CD-ROM format. MBA launched a demo at a conference last October and recently rolled out the finished product.

Choice. The tutorial is still available in a floppy-disk version, says Kappeler, who felt it was necessary to offer a traditional format for those companies that don't yet have multimedia capability. The three-disc CDROM version translates into about 60 floppy disks for the same information. Because some companies that do have multimedia capability may not have very high-end versions, MBA decided to go light on the video portion as well. "If you don't have a PC that reads the video, it could end up really slowing you down. Or

if you don't have the voice capability, it might be useless to you. We needed to take all this into account when developing the product. At the same time, we wanted to be competitive and appealing," says Kappeler, especially to a younger market that is typically high-tech and that would most likely be using the product.

Kappeler warns that you'll get a lot of price ranges for a CD-ROM project. Development costs could go as high as \$150,000. MBA worked out a co-venture where it paid an upfront fee of \$25,000 with a certain per-disc packaging and shipping cost to the vendor. The association then receives the remainder of the product fee.

Byproducts. The complete tutorial, which includes three modules and an examination/certification package, sells for \$800. Individual modules sell for \$225. "The company we're working with has also come up with ideas for byproducts, such as a terminology glossary that users can install on their Windows help screens," says Kappeler. MBA is looking to acquire authoring software and equipment to bring future CD-ROM product development inhouse, and has reshaped a vacant staff position to require experience in distance learning.

Be relevant

"If the mix is right and you have a strong chapter base, in the end, satellite conferencing is really the most cost-effective way to deliver education to a large part of your membership," says Marshall Lipson, assistant vice president of continuing education programs for the American Society of CLU and ChFC (chartered life underwriters and chartered financial consultants), Bryn Mawr, Pennsylvania.

The association, which represents 35,000 members, has a staff of 55 and an annual operating budget of \$8.5 million. It has conducted satellite conferences since 1982 and currently offers three programs annually. The latest conference, in February, was broadcast to 315 sites to a combined audience of approximately 7,000 people.

Content. While the association represents insurance salespeople, the satellite conferences aren't aimed at professional skills-how to sell insurance. Information presented via satellite should be much more timely than that, says Lipson. Speakers and panelists present current interpretation of IRS tax codes and taxpayer issues to advise members so that they can better do their jobs, he says. The association doesn't use professional speakers or scripts. Rather, accountants and attorneys who specialize in tax code issues and industry professionals compose the cast.

When the association switched its program format several years ago from 4 1/2 hours to 3 hours, nearly 100 percent of the members said to cut live call-in questions, since in some cases panelists would receive obscure questions of little interest to the main audience, says Lipson. "When we changed format, we almost doubled our audience within a year."

Quality. "One reason for our success is that we bring in TV people to work with our speakers. We spend lots of time and effort to develop a coherent flow to the program and spend a full day in rehearsal," says Lipson, who believes that many organizations don't sustain such a program because they aren't making good television-"they're videotaping a lecture series."

"Contrary to what is probably the trend in most associations, we don't leverage this product," says Lipson. "We believe that the exclusivity of the conference has helped raise attendance at the event." The association initially tried selling videotapes of programs, but found there wasn't much of an aftermarket. An audio version of each conference is available, however. In recognition of time zone differences, the association does rebroadcast each program later that same day.

Distribution. Another critical factor to successful satellite programming is a well-oiled distribution system, says Lipson. "We have a very strong partnership with our chapters. We let them know a year in advance the programs we're doing. We wholesale the program, and we give them promotional copy." In turn, chapters do local promotion and pay for the sites. Some even serve food, says Lipson. All attendees pay a per-person fee that goes back to the national association, but chapters have the autonomy to tack on their own fees if they think the market will bear it. Some choose to subsidize the program.

Chapters likewise have autonomy in what they do following a program, says Lipson. Some sites invite a resident expert to discuss content or field-related questions. Others do follow-up at a later date using workbook materials.

Costs to the national association run approximately \$125,000 for each program, including studio expenses, camera crew, and lighting as well as honoraria and travel expenses for the speakers and production and shipping of workbooks sent to attendees prior to the program. This does not include costs that individual chapters incur for promoting and hosting the event-including room rental and downlink fees-that may vary widely depending on location.

"We are at a point where we make a considerable amount of revenue this way, some of which goes back into an R and D account," Lipson explains. "We continually want to try new things," he continues, such as incorporating closed-captioning for hearing-impaired participants.

"The great advantage of this technology," says Lipson, "is that we can deliver programs to the smallest membership with top-level speakers they might never get the chance to receive at such a low cost and in their location."

Be brave

"Technology is conquerable," attests Reneta Webb, who serves as director of professional development, Medical Library Association (MLA), Chicago. "Move ahead." The caveat: "Use the technology that fits the educational event. To determine the fit, you have to look at a variety of things, including whether the market is there," says Webb.

Market. Association educators would do well to remember that continuing education is marketdriven, says Webb. "Adults tend to take courses and to go to workshops because of some immediate needpersonal or professional-or some kind of licensing or accreditation requirement."

Also worth bearing in mind is the learning style of your members, although when it comes to getting members on board with technology, Webb admits that she has it easier than most. Close to

70 percent of MLA's 5,000 members have electronic access, and not only is downlink capability for satellite conferencing widely available among MLA membership, but many have uplink capability as well.

Hence, it wasn't a difficult decision for MLA, with a staff of 20 and an annual operating budget of \$2 million, to develop a 90-minute satellite program on the role of the library in accreditation—a hot topic within the profession. For this first program, aired in March, MLA charged \$295 per downlink site. The association did not charge individuals fees. A total of 92 downlink sites connected nearly 1,300 MLA members.

Webb estimates that the conference itself incurred \$30,000 in direct costs and an additional 50 percent when figuring in staff efforts. "When we were first looking into satellite, we received production proposals that ranged from \$16,000 to \$138,000," says Webb. MLA was able to review tapes done by the various production companies bidding to ensure they'd get the best quality for what they could pay.

Spurred by the success of this first program, MLA is pursuing co-sponsorship of a satellite conference in 1997 with the American Association of Law Libraries, Chicago, and the Special Libraries Association, Washington, D.C.

Demand. Currently, MLA is developing a self-study course on library accreditation for access via the Internet.

"There is a certain kind of glitz in electronic methods of communication," Webb comments. "However, when we've surveyed members, written workbooks are still the top choice. There's still a large demand for paper-based communication." Webb is convinced that this technology surge won't take the place of standup classroom education either—at least not any time soon. Ultimately, says Webb, "technology adds options and alternatives."

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Abstract (Summary)

Audible.com and Audio Highway allow customers to download audio from their Web sites and play it back either on their computers or on portable pocket-sized devices.

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[Headnote]


 Audible.com and Audio Highway go online

AFTER YEARS OF preparation and considerable interest from the audio industry, Audible.com and Audio Highway are finally up and running. Both companies allow customers to download audio from their Web sites and play it back either on their computers or on portable pocket-sized devices.

The advantages to publishers and consumers are many, said Don Katz, president and CEO of  Audible. Customers can program a mix of spoken audiobooks, magazines and radio shows-for their morning commute. For publishers, putting audio on the Internet avoids the costs and time-consuming processes involved in manufacturing audio books: "There's no packaging, no returns, no duplication costs," Katz noted. Since the cost is minimal, there is little risk to publishers. Out-of-print titles can remain online indefinitely and timely information (such as news reports and stock quotes) that would be impractical to put on retail audio are easy to download on a daily basis.

Publishers have expressed enthusiasm about the new format. "I think it's a terrific idea," said Stefan Rudnicki, executive producer of Dove Audio. "It may take a while to really catch on, and the technology has a little distance to go-they need to be able to put lengthier material on the players. I hope the sound quality can get better, too.

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"Overall, we love it because it gets us directly to the listener without the intermediary of a buyer deciding what they think their customers want to listen to. That's a major advantage, because we have product that might not be tied into bestsellers or may have a niche market that's difficult to reach."



[Photograph]

RIGHT SIZE: ①Audible's handheld unit. READY FOR THE ROAD: Audio Highway's player.

For her part, Judy McGuinn of Time Warner AudioBooks said, "We believe the online sale of audiobooks reaches a new audience for this medium. If they discover it online, they may choose to buy it there in the future, but they may also choose to buy it in traditional bookstores as well."

Significant by their absence are Simon & Schuster Audio and BDD Audio, both of which have chosen not to provide content for the Internet companies as of yet. "Our primary concern is that protection for the copyright holders of the audiobooks is maintained, especially against unauthorized multiple copies of the work," explained Seth Gershel, senior v-p and publisher of Simon & Schuster Audio. But, he added, "Our goal is the widest possible dissemination of the audiobook format. If these systems help consumers to find enjoyment in audiobook listening, then we will find a way to support them."

Exclusives for ①Audible

In terms of audiobook content, Audible.com is the clear winner: the company has signed exclusive deals with most of the major audio publishers, including ①Random House Audiobooks, Time Warner AudioBooks, HarperAudio, Dove Audio and Books on Tape. (Penguin Audiobooks provides content to both companies.) ①Audible's site includes an impressive list of 1300 audiobooks, including 65 ①New York Times bestsellers. Audio Highway carries only 90 titles, including a mere three bestsellers. If a customer is looking for a particular audiobook, ①Audible is far more likely to have it. ①Audible has also snared such popular radio shows as Car Talk and Garrison Keillor's Prairie Home Companion, business newsletters, and the Economist magazine.

Audio Highway offers music, which Audible.com does not. But again, the choice is limited-fewer than 60 music selections, and only a couple of stars among them (the Temptations, Barry White and Chaka Khan are the biggest names). However, Audio Highway does have Associated Press news updates, Newsweek magazine and all of ①National Public Radio's original shows. And Audio Highway has

more pieces of content overall: 8000 selections, compared to Audible's 3600.

Audio Highway's biggest advantage is that its downloads are free. Audible charges listeners \$6.95 to \$9.95 to download audiobooks and \$1.95 to download radio programs, while Audio Highway listeners download for free but receive up to six minutes of advertisements per hour of content. (The ads are at the beginning and may be skipped.) The advertisements are geared to the interests of the individual listener, based on the type of audio he or she habitually selects. Both companies' players cost about \$200.

In terms of sound quality, Audio Highway is far superior. It uses 12 megabytes of memory for one hour of content, which results in crystalclear sound; Audible uses only four megabytes for two hours, and the difference in sound quality is noticeable. But there is a tradeoff: with a 28.8 modem, one hour of material takes 40 to 60 minutes to download from Audio Highway, but only 14 minutes to download from Audible. Audio Highway's player can hold only one hour of material, while Audible's holds two hours.

Both Web sites became operational last September, but Audible has been quicker to get its player in customers' hands-its player has been available since December. Audio Highway has taken orders for its player, but so far only certain test markets, including the University of Texas, have received them. Audio Highway president Nathan Schulhof said the company has just completed a new Windows version of the player and will begin shipping them to customers within six weeks. Both companies say that "thousands" of customers have ordered their players.

Schulhof also said that in the second quarter of 1998, Audio Highway service will be upgraded to allow customers to listen to Audio Highway downloads on devices they already have, such as Casio-style handheld organizers.

Reaching Out on the Net

Both companies are trying to extend their reach to other areas of the Internet. Audible recently teamed with Progressive Networks to allow Audible Listeners to download RealAudio content to their Audible players. (RealAudio is a format used on many Web sites. The sites will need to upgrade to make this option available, however.) Audio Highway has hired Infoseek founder Bill Peck, who is trying to negotiate deals with the major Internet search engines, such as Yahoo, Lycos and Infoseek. "All of the search engines have 'channels' such as automobiles or travel," said Peck. "An interesting way to grow this business is to build audio channels into the existing sites, so you would not only see the text content, but also download audio versions. Plus, it gives the search engines the ability to sell not only banner ads, but audio ads as well."

Audible Inc. is located in Wayne, N.J. Its financial backers include Kleiner Perkins Caufield & Byers, Patricof & Co., AT&T Ventures, Intel, the Thomson Corp. and Ironwood Capital. Audio Highway is located in Cupertino, Calif. Schulhof declined to name its backers, saying only that they were private investors.

Audible Inc. may be reached at www.audible.com or (973) 890-4070. Audio Highway may be reached at www.audiohighway.com or

(408) 255-5301.

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